

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 9/3/03

53

AGENDA SECTION:

PUBLIC HEARINGS

ORIGINATING DEPT:

Public Works

ITEM NO.

E-4

ITEM DESCRIPTION: Adoption of an Ordinance to Create a Storm Water Utility**PREPARED BY:**

B. Huberty

In the past, Rochester's storm water management focus was on water conveyance for the protection of safety and property. Under a recently mandated, unfunded Federal requirement, the City must now manage storm water in ways that improve water quality. Rochester has built and maintains a vast storm water management system to collect and transport storm water into natural water bodies. The new permit requirements must be met in order for Rochester to legally discharge storm water to waters of the state. The Council adopted the NPDES Phase II Storm Water Permit Application in May 2003. The permit contains the Storm Water Pollution Prevention Plan that the City has committed to implement to remain in compliance with the new regulations.

The Council over the past year has directed staff to investigate funding options to pay for current storm water management activities, as well as new activities needed for NPDES Phase II Storm Water Permit compliance. The recommended proposal is to adopt an equitable Storm Water Utility as a dedicated funding source for storm water management activities, including capital improvements. Under the proposed plan, the Fee charged to all developed parcels will be equal to the size of the parcel times the Land Use Factor (associated with the parcel's percent impervious area) times the storm water unit rate, to be set by Council resolution. Average values will be used for residential properties, resulting in a flat Fee of \$3.75/month, given the proposed rate of \$15.96/acre/month. The amount of impervious area on non-residential customer parcels was determined on a parcel-by-parcel basis. Several options are available for non-residential customers to obtain Credits to offset their Fee, if they privately provide storm water management activities that benefit the City. The revenue expected from all customers, after applications for Credit, is \$3.0 million. An additional \$0.5 million in Storm Water Management Plan Charges, to be paid by new development and redevelopment projects, will bring the total Storm Water Utility budget to \$3.5 million.

Extensive outreach has been conducted with non-residential and residential customers. Feedback from that effort was provided to the Council at the Committee of the Whole meeting on August 11.

The Ordinance does not establish the storm water unit rate used to calculate the Storm Water Utility Fees. The establishment of the storm water unit rate and the adoption of the final Credit Manual will occur at a later date via Council Resolution.

Upon its adoption and publication the Storm Water Utility Ordinance would be effective. The first Storm Water Utility Fee for all residential and non-residential customers would appear on the January 2003 RPU Billing Statement.

COUNCIL ACTION REQUESTED:

Conduct Public Hearing to receive comments on the proposed Storm Water Utility Ordinance. Have the City Attorney give the First reading of the Storm Water Utility Ordinance. The second reading of the Ordinance is currently scheduled for October 6, 2003.

** The Council should note that the Ordinance does not establish the Utility Rate. The rate will be established by Council approved Resolution later this fall.

9. 21.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

